

THE HON'BLE SRI JUSTICE P.S.NARAYANA

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WRIT PETITION NO.11226 of 2006

DATED: 08.06.2006

Between:

Syed Rahamathullah. .. PETITIONER

Versus

The Government of Andhra Pradesh,
Represented by its Principal Secretary,
Municipal Administration, Secretariat
Buildings, Secretariat, Hyderabad and
Another. .. RESPONDENTS

WRIT PETITION NO.11226 of 2006

ORDER:

Heard both the learned counsel.

2. The Writ Petition is filed for issuing Writ of Mandamus declaring the action of the respondents in seeking to demolish the house situated in D.No.10/1089 (10/415 old) at Ustad Bizili Khader Street, Kadapa City, belongs to the petitioner, as arbitrary and illegal and contrary to the procedure envisaged under the provisions of Sections 146 and 147 of Hyderabad Municipal Corporation Act, 1955 and contrary to the guidelines framed in the case of Pilli Lakshmana Rao vs. Executive Officer, Gram Panchayat, reported in 2000(5) ALT 246 and also violative of principles of natural justice and consequently direct the respondents not to demolish the commercial house situated in D.No.10/1089 (10/415 old) at Ustad Bizili Khader Street, Kadapa City belongs to the petitioner without following due process of law, and pass such other suitable orders.

3. Several of the factual details had been narrated and it was stated that the respondents are not following the

procedure specified under Hyderabad Municipal Corporation Act and are making high-handed attempts to proceed with the demolition of the subject house of the Writ Petition.

4. It is needless to say that such a demolition activity relating to the residential house in question cannot be further proceeded with except following the due procedure of law as specified by the provisions of the Act aforesaid.

5. In view of the same, the Writ Petition is disposed of with a direction to the respondents not to demolish the house situated in D.No.10/1089 (10/415 old) at Ustad Bizili Khader Street, Kadapa City, without following the due process of law as specified by the Act aforesaid. No costs.

08.06.2006

SSR